

REMARKS

Claims 1-28 had been pending and under consideration.

The claims are amended, new claims 29 and 30 are added, and thus the pending claims remain for reconsideration, which is requested.

Claims 1-28 are rejected under 35 USC 102(e) as being anticipated by Herrmann, U.S. Publication No. 2003/0055994.

Herrmann FIG. 3 and paragraphs 88-89 discuss that when the anti-virus data file 344 is not updated, the client computer system 310 cannot access the protected data (resources) 390 through the gateway server 350. Herrmann is silent on whether when the anti-virus data file 344 is not updated, the client computer system 310 can still access non-protected data through the gateway server 350. In other words, in Herrmann, the client computer system 310 can access outside of the range of the network to which the integrity server 370 belongs. In addition, Herrmann paragraphs 51 and 81 discuss only that a user that is non-compliant is redirected to a 'sandbox' server, but Herrmann does not expressly or inherently discuss whether when the anti-virus data file 344 is not updated, the client computer system 310 can still access non-protected data through the gateway server 350.

Independent claim 1 is amended to emphasize "in case ... the security level of the user apparatus does not reach the predetermined security level, ~~restricting~~ **to restrict as a restriction range an access permission range on a network [[by]] of the user apparatus to be within a range on a network to which a security setting guide server management device belongs.**" In other words, according to an embodiment of the present invention, the access permission range of a non-compliant security level user apparatus is set **"to be within a range on a network to which a security setting guide server management device belongs."** A prima facie case of anticipation of amended claim 1 based upon Herrmann cannot be maintained, because Herrmann fails to disclose, either expressly, or inherently by failing to necessarily require, the language of amended claim 1, namely **"to restrict as a restriction range an access permission range on a network [[by]] of the user apparatus to be within a range on a network to which a security setting guide server management device belongs."** For example, FIG. 1 and the specification page 15, line 23 to page 17, line 18 support an embodiment of the present invention. Withdrawal of the rejection of claim 1 and allowance of claim 1 is requested.

Independent claims 5, 9, 13, 15 and 27 are amended to include limitations similar to the discussed limitations of amended claim 1.

NEW CLAIMS 29-30

New independent claim 29 is patentably distinguishing over Hermann for the reasons discussed above for independent claim 1 and in addition the language of new claim 29 provides “to restrict an access permission range on a network of the user apparatus within a first range on a network to which a security setting guide server management device belongs when the judging unit judges the security level of the user apparatus does not reach the predetermined security level, and ***to set the access permission range on the network to a second range that exceeds the first range when the judging unit judges the security level of the user apparatus reaches the predetermined security level***” (emphasis added). In other words, Hermann relied upon paragraphs 71, 73, 76, and 81 only discuss determining whether client computer is operating a particular anti-virus program and determining whether the anti-virus program is out of date, but fail to disclose expressly or inherently various access permission ranges according to a security level.

New dependent claim 30 depending from claim 29 is allowable for the reasons discussed above and in addition by emphasizing “***restricts the user apparatus to access and/or become accessible to apparatuses within the first range ... including the security management device and an apparatus that provides the virus definition file.***”

For example, FIG. 1 and the specification page 15, line 23 to page 17, line 18 support the embodiments of the present invention.

Allowance of claims 29-30 is requested.

INDEPENDENT CLAIMS 15 AND 27

For the reasons discussed above, Hermann does not expressly or inherently disclose “the ensuring of the predetermined security level includes restricting an access permission range on a network of the user terminal to be within a range on a network to which a specified device belongs.”

In addition, Hermann fails to disclose, either expressly or inherently, the language of claim 15 with respect to detecting a security level of a user terminal based upon a plurality of criteria, namely “***security information updating history*** of the user terminal, ***port access information*** of the user terminal, ***programs and/or scripts downloaded and/or executable*** at

the user terminal, or **responsiveness to a command** by the user terminal."

The Office Action Response to Arguments, item 4, provides that the 'Applicant's arguments with respect to claim 15 has been fully addressed in light of the above remarks,' however, paragraphs 71, 73, 76, and 81 only discuss determining whether client computer is operating a particular anti-virus program and determining whether the anti-virus program is out of date. However, nothing has been cited or found in Herrmann that expressly or inherently (necessarily) discloses the limitations of independent claim 15. For example, Herrmann is silent on "**port access information of the user terminal**" and/or "**responsive to a command by the user terminal**" for determining a security level of the user terminal.

Withdrawal of the rejection of claim 15 and allowance of claim 15 is requested.

Independent claim 27 requires limitations similar to the discussed limitations of amended claim 15.

The remaining dependent claims inherit the patentable recitations of their respective base claims, and therefore, patentably distinguish over the cited art for the reasons discussed above in addition to the additional features recited therein.

Withdrawal of the rejections and allowance of the claims is requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
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